

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 2008

Clifford W. Taylor,
Chief Justice

136577 & (12)(13)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136577
COA: 284173
Macomb CC: 06-003806-FH

TIMOTHY IVAN MUHN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 18, 2008 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals. On remand, while retaining jurisdiction, the Court of Appeals shall remand the case to the Macomb Circuit Court for appointment of counsel for the defendant, if determined to be indigent, and for the circuit court to prepare a certified concise statement of proceedings arising from the March 6, 2007 sentencing hearing and all postjudgment proceedings. Once the circuit court has prepared a proposed concise statement of proceedings, it shall serve copies on all parties along with a notice of hearing with the date, time, and place for settlement of the concise statement. Thereafter, the circuit court shall proceed in accordance with MCR 7.205(G)(2), (3), and (4). Upon return to the Court of Appeals, that court shall consider the certified concise statement of proceedings, and any further briefing by the parties, and shall decide whether to grant, deny, or order other relief, in accordance with MCR 7.205(D)(2).

The motion to add issue and motion to remand for an evidentiary hearing regarding the claim of ineffective assistance of counsel are DENIED.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2008

Corbin R. Davis

Clerk